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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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NEW DELHI, WEDNESDAY, NOVEMBER 5, 2003/ KARTIKA 14, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 5th November, 2003/Kartika 14, 1925 (Saka)

THE INDIAN TELEGRAPH (AMENDMENT) ORDINANCE, 2003

NO. 7 OF 2003

Promulgated by the President in the Fifty-fourth Year of the Republic of India.

An Ordinance further to amend the Indian Telegraph Act, 1885.

WHEREAS the Indian Telegraph (Amendment) Bill, 2003 was introduced in the House of the People, but has not been passed;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the said Bill;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: -

1. (1) This Ordinance may be called the Indian Telegraph (Amendment) Ordinance, 2003.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 1st day of April, 2002.

Amendment of
section 3.

2. In section 3 of the Indian Telegraph Act, 1885 (hereinafter referred to as the principal Act), clause (1) shall be renumbered as clause (1AA) and before clause (1AA) as so renumbered, the following clauses shall be inserted, namely:- 13 of 1885.

“(1) “Fund” means the Universal Service Obligation Fund established under sub-section (1) of section 9A;

(1A) “Universal Service Obligation” means the obligation to provide access to basic telegraph services to people in the rural and remote areas at affordable and reasonable prices;”.

Amendment of
section 4.

3. In section 4 of the principal Act, in sub-section (1), the following *Explanation* shall be inserted at the end, namely:-

“*Explanation.*—The payments made for the grant of a license under this sub-section shall include such sum attributable to the Universal Service Obligation as may be determined by the Central Government after considering the recommendation made in this behalf by the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997.”.

24 of 1997.

Amendment of
section 7.

4. In section 7 of the principal Act, in sub-section (2), after clause (ee), the following clauses shall be inserted, namely:-

“(eea) the manner in which the Fund may be administered;

(eeb) the criteria based on which sums may be released.”.

Insertion of
new Part IIA.

5. After Part II of the principal Act, the following Part shall be inserted, namely:-

“PART IIA

UNIVERSAL SERVICE OBLIGATION FUND

Establishment
of Universal
Service
Obligation
Fund.

9A. (1) On and from the commencement of the Indian Telegraph (Amendment) Ordinance, 2003, there shall be deemed to have been established, for the purposes of this Act, a Fund to be called the Universal Service Obligation Fund.

(2) The Fund shall be under the control of the Central Government and there shall be credited thereto-

(a) any sums of money paid under section 9B;

(b) any grants and loans made by the Central Government under section 9C.

(3) The balance to the credit of the Fund shall not lapse at the end of the financial year.

Crediting of
sum to
Consolidated
Fund of India.

9B. The sums of money received towards the Universal Service Obligation under section 4 shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Fund from time to time for being utilised exclusively for meeting the Universal Service Obligation.

9C. The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants and loans such sums of money as that Government may consider necessary in the Fund.

Grants and loans
by the Central
Government.

9D. (1) The Central Government shall have the power to administer the Fund in such manner as may be prescribed by rules made under this Act.

Administration
and utilisation of
Fund.

(2) The Fund shall be utilised exclusively for meeting the Universal Service Obligation.

(3) The Central Government shall be responsible for the co-ordination and ensuring timely utilisation and release of sums in accordance with the criteria as may be prescribed by rules made under this Act."

A.P.J. ABDUL KALAM,
President.

T.K. VISWANATHAN,
Secy. to the Govt. of India.